

THE FARNUM CASE DECIDED

TRUMPH FOR DISPENSARY COMMITTEE.

Court Has Examined His Papers—Says Some of Them Relate to Management of Liquor Business and Committee Has Right to Them.

Columbia, December 22.—The opinion of the court, after reciting the history of the case, says: The defendant's claim, that the resolution contemplated unreasonable search of private papers, is based upon a complete misapprehension of his position. The State has undertaken to take charge of the entire liquor business of the state and to prohibit any private person or corporation from buying or selling liquor, except as they may find warrant in the constitution.

The defendant, as a dispenser, is an officer of the state, keeping for a dispensary in the city of Charleston. He has no right to any private business connected with the dispensary, and presumably has no such business. All books, documents and letters in that dispensary prima facie which relate to public business, are open to examination by any committee of the general assembly. The offices and place of business of this dispensary stand precisely in the same relation to the state, as the state treasurer's office. The proposition would not be countenanced for a moment, indeed it would hardly be advanced, that that officer upon the entry into his office of a dispensary, could, by investigation, could, beyond the right designed by the constitution, deny the state its right to such an examination. It would be unreasonable to require of private letters. In such cases, however, neither the officer nor the committee can be the final arbiter as to the character of the papers. If the question is seriously made under oath that by any means private papers in no wise relating to the duties of the office or its affairs happens to be actually in the office—it is the duty of the court under proper proceedings to inquire into the matter as a judicial question, and examine the papers themselves to ascertain what the papers relate to, whether private affairs, contrary to the presumption that they are public documents. It is the plain and obvious public duty of any officer to keep books, letters and other documents relating to the business of his office, and to the manner in which he has discharged or failed to discharge, its duties, in the place where the public business with which he is charged is conducted, subject to examination by any of the committees appointed by the general assembly, and upon an application for mandamus to compel him to perform this obvious public duty. It is essential for the court to ascertain the facts and inform itself whether there has been an actual removal of public documents from the public property, and are them for examination. The court has in this case to do by a careful examination of the papers themselves. The examination has disclosed papers relating to transactions in the dispensary. All such papers, subject to the committee, are open to examination.

in him by dealing with liquors in a manner forbidden by law. It is difficult to conceive any foundation for the contention that the examination of such documents can be denied to the committee as an unreasonable search of private papers. From the papers submitted to the court all those which refer to dealing in spirituous liquors have been separated and placed on file in the office of the clerk of this court under seal, these are subject to the examination of the committee. It is, therefore, ordered that a writ of mandamus be issued requiring the defendant, as dispenser of dispensary No. 12, in the city of Charleston to turn over to the committee the papers and documents now on file with the clerk of this court as the public documents of dispensary No. 12 on such day and at such hour as the committee may designate on twenty-four hours' notice to the defendant or his attorney; such transfer to be made in the presence of the clerk of this court, with a right to the defendant to be present at the examination by the committee of such papers. After the completion of such examination, it is further ordered that said papers be returned to dispensary No. 12, in the city of Charleston.

The supreme court tonight handed down its decision in the celebrated Farnum case. The motion for an injunction to restrain the legislative investigating committee from examining the letters, which Farnum claimed to be private, was decided against the petitioner for mandamus. The papers are deemed to be subject to inspection and the opinion of the court, written by Justice Farnum, has the effect that to private papers. Some restrictions as to the manner in which the papers are to be examined, were placed by the order of the court.

It will be recalled that the commission or a committee thereof, sought to inspect the books and records at Farnum's dispensary and that it was discovered upon a subsequent visit that some of the papers had been removed. The committee secured from the Chief Justice an order to have the papers returned, but Farnum instituted counter proceedings to prevent the papers from being turned over to the committee. The supreme court ordered the papers sent here for inspection by its members, and tonight handed down its final ruling that the papers in the possession of the clerk of the supreme court should be turned over to the legislative committee by the clerk of the court in the presence of Mr. Farnum.

A man who lives in the suburbs and brags about how much he saves on his rent always forgets to figure in the commutation and the extra coal bills.

NOTICE.

Notice is hereby given that we, the undersigned, Jury Commissioners for Newberry County, S. C., will on the 3rd day of January, 1906, at nine o'clock A. M. in the office of the Clerk of Court draw the names of thirty-six men who are to serve as Petit Jurors for the court of general sessions for Newberry County, S. C., beginning January 22nd, 1906, and continuing for one week. At the same time and place we will also draw the names of twelve men to serve as Grand Jurors for Newberry County, S. C., for the year 1906.

Jno. L. Epps,
Wm. W. Cromer,
Jno. C. Goggans,
Commissioners for Newberry County, S. C.

* As to Pensions.

I will be at the auditor's office each Saturday in January to receive applications for new pensions. Old pensioners are not required to apply.

W. G. Peterson,
Pension Commissioner.

NOTICE.

All persons having claims against the estate of James W. Derrick, deceased, will present the same duly attested, to my attorneys, Messrs. Hunt, Hunt and Hunter, on or before the 15th of January, 1906. Ella M. Derrick, Administratrix of the estate of Jas. W. Derrick, deceased.



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are used with proper cultivation. Make your cotton mature early, and thus escape the boll weevil and other damaging insects. You can easily do this, as well as increase the number of bolls (and their size) on your plants by plentifully using Virginia-Carolina Fertilizers. This method will tremendously "increase your yields per acre." Don't be fooled into buying a substitute.

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Memphis, Tenn.
Shreveport, La.

NOTICE TO CREDITORS.
All persons holding claims against the estate of Matilda Beacham, deceased, must present the same, duly attested, to the undersigned executors on or before the first day of January, 1906. And all persons indebted to said estate will make payment by said date.

J. O. Moore,
W. T. Gibson,
Executors.

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10 cts. Counter,
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Choice Tennessee Flour
EXPECTED TUESDAY,
And we will make some Christmas prices on Flour until 1st January, 1906. We will make some red hot prices on goods of most all descriptions. We have plenty new, nice nobby goods, and are prepared to do the right thing. Come right along and give us a look and you will be convinced. People say Moseleys can't sell the goods at the prices. What difference does it make to you what people say as long as you get the goods.
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A Happy New Year And God's Choicest Blessings to All White and Black.

Words are inadequate to express our sincere thanks and heartfelt appreciation for the manful and heroic efforts that were made by our noble, ever ready and true fire-fighters as well as by our friends and fellow-citizens who helped to save our property from destruction by fire on the morning of December 24, 1905. Not a man failed to respond to our call—all were ready, willing and waiting. Words cannot express our sincere gratitude that dwells within our hearts towards you all. We have sustained some loss, but we feel rich in the Love, Esteem and Affection of our fellow-citizens and enter the New Year without an angry thought towards any human creature, and pray God's choicest blessings upon all. It shall be our constant aim, to deserve the Love and Affection that was manifested towards us in the hour of need.

Yours with obligation,

O. KLETTNER.